

REMARKS

In the Office Action dated October 6, 2003, claims 1-25 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,571,259 (Zheng).

A Rule 131 Declaration is submitted herewith to overcome Zheng as a prior art reference. The Rule 131 Declaration establishes an invention date prior to September 26, 2000, which is the § 102(e) date of Zheng. As set forth in the Rule 131 Declaration, conception of the present invention occurred prior to September 26, 2000, coupled with due diligence until constructive reduction to practice (the filing of the present application).

Withdrawal of the § 102 rejection is respectfully requested. Moreover, the subject matter of many of the claims of the present application are not disclosed by Zheng, as discussed below.

Zheng does not disclose the subject matter of claim 1, which recites a database system having:

- a *persistent* data storage device storing a first file management context and having a pool of storage elements (with the first file management context indicating allocated permanent files in the pool of storage elements); and
- a *non-persistent* memory storing a second file management context (with the second file management context to indicate allocated temporary files and permanent files in the pool of storage elements).

The Office Action pointed to Figure 3 of Zheng as disclosing these features of claim 1. Applicant respectfully disagrees. Figure 3 shows the block index (labeled 39 in Figure 1 of Zheng). The block index 39 is part of an in-memory file system index 37. Zheng, 6:32-33, 45-50. Thus, everything depicted in Figure 3 is stored in memory. The Office Action equated the first 3 columns of the block index shown in Figure 3 of Zheng as being the first file management context, and all of the columns of the block index of Figure 3 of Zheng as being the second file management context. However, because everything shown in Figure 3 is stored in memory, the structure of Figure 3 fails to satisfy the recitation in claim 1 that a persistent data storage device stores the first file

management context, and a non-persistent memory stores a second file management context.

Similarly, with respect to independent claim 16, Zheng fails to disclose storing a first file management context in a *persistent* storage device, and storing a second file management context in a *non-persistent* memory. Also, Zheng fails to disclose updating both the first and second file management contexts to allocate a permanent file, and updating the second file management context *without the first file management context* to allocate a temporary file.

With respect to newly added independent claim 27, Zheng does not disclose an article comprising at least one storage medium containing instructions that when executed cause a system to store a first file management context in non-persistent memory to indicate allocation of temporary and permanent files, and store a second file management context in persistent storage to indicate allocation of permanent files.

In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 50-1673 (9362).

Respectfully submitted,

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